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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, et al.,

Defendants

SYNOPSYS, INC.,

Plaintiff,

vs.

RICOH COMPANY, LTD.,

Defendant.

**CASE NO. C-03-4669-MJJ (EMC)**

**CASE NO. C-03-2289-MJJ (EMC)**

**RICOH'S RESPONSE TO DEFENDANTS'  
 PURPORTEDLY UNOPPOSED MOTION TO  
 EXPEDITE, AND PROPOSED ORDER**

1           Regrettably, Synopsys and the ASIC Defendants (“Defendants”) have overreached. During a  
2 telephone conversation between the undersigned counsel and Ms. Fink at 6:44 p.m. (Eastern time) on  
3 Tuesday, March 28, Ms. Fink asked that Ricoh consent to, or at least not oppose, a motion that the Court  
4 expedite consideration of the joint letters.<sup>1</sup> Ricoh’s undersigned counsel replied that Ricoh would not  
5 oppose such a motion, provided that such a motion would not be used as a vehicle to insist that the Court  
6 add additional deposition witnesses during the April trip to Japan. Ricoh’s counsel explained that Ricoh  
7 has already scheduled five deposition days for its Rule 30(b)(6) deponents, and identified those  
8 witnesses by name. Ricoh’s counsel pointed out that, given the short amount of time before counsel  
9 departs (next week), the impossibility in timely obtaining new visas which are required by the Japanese  
10 authorities to permit the depositions to take place (Defendants acknowledge three weeks are needed), the  
11 failure of Defendants to schedule sufficient deposition rooms (they did not make arrangements to double  
12 track), and the lack of availability of the witnesses to be prepared and produced on such short notice,  
13 even if the Court was to grant all Defendants the relief requested in their joint letters, it would be  
14 virtually impossible for those depositions to go forward during the April trip, as opposed to their  
15 previously-announced trip to Japan in May. Ricoh’s counsel expected Defendants’ motion to expedite  
16 to acknowledge this position by Ricoh, and to make clear that any such discovery of individuals would  
17 take place during Defendants’ May 2005 trip.<sup>2</sup> Instead, in the motion to expedite, Defendants attempt to  
18 use Ricoh’s agreement to not oppose expedited consideration to seek the very relief that Ricoh made  
19 clear could not logistically be obtained.

20           Defendants’ proposed order on the merits is unacceptable for similar reasons. First, as set forth  
21 in Ricoh’s opposition papers, several third party witnesses have indicated that they will not voluntarily  
22 agree to give a deposition, yet Defendants’ proposed order falsely states that they “will appear  
23

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24  
25 <sup>1</sup> Defendants did not file a fully briefed third joint letter regarding the continuation of Mr. Ishijima’s  
26 2003 deposition, and apparently have dropped that issue. Defendants did not file the two joint letters  
27 and exhibits under seal, even though they had expressly stated that they would. Ricoh has asked  
28 Defendants to remedy it, but if they do not, then Ricoh moves the Court to place them under seal.

<sup>2</sup> Defendants’ motion claims that the Tokyo embassy is not immediately available, but deposition space  
is available in other consulates – for example, the April depositions are taking place in Osaka.

1 voluntarily.” Second, the relief requested (mandatory depositions) is inconsistent with defendants’ own  
2 requested relief (depositions or the risk of limitation of testimony). Third, even if the Court were to  
3 decide that certain additional witnesses should be deposed (and assuming the visas could be obtained,  
4 the witnesses could be scheduled, the interpreters could be hired, etc.), Ricoh’s counsel would need to  
5 depart earlier than next Friday, and Ricoh likely would need to adjust the identities of the attorneys who  
6 would go. For example, of the four attorneys named in the proposed Order, Gary Hoffman cannot  
7 depart for Japan until April 14, after the end of Passover. Rebecca Barbisch is scheduled to be in  
8 London from April 5-10. Eric Oliver is scheduled to be in Colorado from April 10-13. DeAnna Allen  
9 has commitments in Washington D.C. the week of April 16. Thus, it may be necessary to add other  
10 attorneys to the Order. Because the Order must name the persons who will be attending such  
11 depositions in Japan in order for them to obtain the visas necessary to enter that country, it should be  
12 negotiated once the identity of the witnesses is known and the attorneys can be properly scheduled.  
13 Ricoh has previously promptly responded to such requests, and of course will continue to do so.

14 Ricoh has no opposition to the Court resolving the issues presented in the joint letters in the time  
15 that it believes is appropriate. If, however, the Court is inclined to order the depositions of any Japanese  
16 citizens, then the parties should promptly meet and confer to determine the schedule and identities of the  
17 participants, and go forward on a mutually agreeable date.

1 Dated: March 29, 2006

Ricoh Company, Ltd.

2 By: /s/ Kenneth W. Brothers

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